

October 27, 2025
Department of Planning and Zoning
2664 Riva Road MD 21401

Subject: 796 Generals Highway Millersville, MD 21108
Front Yard Setback and Access Variance Request / Landscaping Special Exception

On behalf of our client, we respectfully submit this letter requesting a Variance to the Setback Requirements and Access for the property located at 796 Generals Highway, Millersville, MD 21108. This request is being made to allow for the construction of a Landscaping and Tree Contracting business, with the usage of the existing Pole Barn on the property that is to remain. Along with the Variance request, we also request for a Special Exception for the operation of a Landscaping and Tree Contracting business on the subject site.

In accordance with of the Anne Arundel County Code (RLD Bulk Regulations), the required setbacks are as follows:

- **Bulk Regulations; § 18-4-401:** 50 feet for the front yard
- **Requirements for Special Exception Uses:** Buildings and outdoor areas to be used for parking, loading or storage of vehicles, equipment, tools, and supplies shall be delineated on a site development plan and located at least 50 feet from all property lines and public roads

Due to the unique circumstances of this lot, we are requesting relief from the standard setback and access requirements. Below are the relevant conditions and justifications of this variance.

A. Existing Conditions

- a. The total area of the parcel is 5.368 AC or (233,809 square feet), undeveloped and forested site.
- b. The property is zone RLD (Residential Low-Density Development) and is not within the Critical Area Zone.
- c. Property contains a pole barn (to remain) and driveway (to be removed) near the South property line.

B. Proposed site Conditions

- a. The proposed improvements to the site include the construction of a garage/office building, designated modestly sized outside storage, and adequate parking and turnaround areas.
- b. The proposed garage/office building contains vehicular access through an existing 50-foot way right-of-way from Generals Highway (a collector or higher classification road).
- c. Stormwater Management has been proposed to meet Anne Arundel County and MDE requirements.

C. Requested Variance

- a. Relief of 13 feet from the front building restriction line, for a proposed 37-foot setback.
- b. Relief of 27 feet from the building restriction line for parking and dumpster area from property line, for a proposed 23-foot setback.
- c. Request to allow vehicular access via a 50-foot private right-of-way connected directly to a collector of higher-class roadway (Generals Hwy).

D. Justification for Variance

We believe the requested variance meets the required criteria under County regulations, as the hardship is due to the existing conditions of the lot.

- (1) The existing pole barn encroaching on the 50-foot setback constitutes a 37-foot variance setback from the South lot line to accommodate existing conditions of the site, an unnecessary hardship not self-imposed by the owner. (Section 18-11-132 (3)).
- (2) The proposed location of the dumpster area provides an effective and safe travel path for the garbage truck to enter, service, and exit the site. A route is provided from the office and warehouse to the dumpster area with a longitudinal and cross slope of approximately two percent (2%), ensuring safe accessibility. The parking spaces adjacent to the existing pole barn are conveniently located to allow for easy access into the structure.
- (3) Due to the land-locked nature of the property, the only means of access to the existing site is the existing 50-foot right-of-way from a collector or high classification road (Generals Hwy). The 50-foot access path from the subject property leads directly to a minor arterial roadway. The access only passes one other landlocked property that has access to the private right of way. This constitutes a practical difficulty for the home owner.

E. Article 18-6-305: Variances

The site meets the requirements for a variance under the following practical difficulties and hardships:

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or
- (2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardships and to enable the applicant to develop the lot.

F. Requirements for all Variance

Granting this variance will not:

- i. Alter the essential character of the neighborhood as the variance is requested for an already existing condition.
- ii. Substantially impair the appropriate use or development of adjacent property.
- iii. Reduce forest cover in the limited development and resource conservation areas of the critical area as it is not located in the Intensely Developed Area (IDA).
- iv. Be contrary to acceptable clearing and replanting practices required for development in the critical area. The layout has been carefully designed to minimize the necessary clearing by locating the office/ garage area in an area where clearing is localized.
- v. Be detrimental to the public welfare

In order to recognize the subject property for the proposed use, a Special Exception is required for Landscaping and Tree Contracting. A landscaping business is permitted in the RLD Zone via Special Exception.

In accordance with Anne Arundel County Code §18-11-132, we offer the following to demonstrate compliance with the criteria for approval of this Special Exception:

1. Minimum Lot Size:

The property consists of 5.36 acres, exceeding the required minimum of two (2) acres.

2. Vehicular Access:

Access is provided directly from Generals Highway (a collector or higher classification road) via an existing 50-foot right-of-way.

3. Location of Buildings and Outdoor Storage:

All proposed buildings and outdoor areas for vehicle, equipment, tool, and supply storage are shown on the Site Plan and are set back at least 50 feet from all property lines and public roads, where applicable. There are additional Variances being requested for the parking area located next to the existing pole barn.

The total allowable outdoor storage area is approximately 1.07 acres (20% of the total lot area). The proposed storage area is 14,375 square feet (approximately 6%), well within the allowable limit. A 50-foot buffer is provided along all property lines, as depicted on the Site Plan.

A Variance has been filed for the Southern Property line setback as to accommodate for the existing pole barn that is to remain. Dimensions of building distance have been noted in red, with a 37' Variance Setback requested as to support existing conditions. There is a 23' Variance setback requested for the

4. Compatibility with Surrounding Properties:

The location and design of the proposed operation will not constitute a nuisance to neighboring properties.

5. Business Hours:

Operational hours will be limited to 7:00 a.m. to 6:00 p.m., in compliance with the Code.

6. Screening and Landscaping:

The site will be adequately buffered to minimize impacts from noise, dust, or fumes. The site will contain the maximum buffer area (up to 50 feet) to mitigate for any potential impacts from noise and light.

7. Vehicle and Equipment Maintenance:

Minor repairs will be performed only within the proposed garage structure, satisfying this criterion.

In accordance with Anne Arundel County Code §18-16-304 (Special Exceptions), the following additional findings are presented:

1. The proposed use will not adversely affect public health, safety, or welfare. The site is set back approximately 300 feet from the road and will be appropriately screened.
2. The property is accessed by an arterial roadway and includes all required buffers and setbacks.
3. The landscape business will operate during limited hours and will not generate excessive noise, fumes, vibrations, or light.
4. All operational criteria specific to landscape businesses will be strictly followed and enforced.
5. The proposed use does not conflict with any existing or planned public facility, service, school, or roadway.
6. A Pre-file Meeting was held with County staff during the previous Special Exception request, and all concerns raised have been addressed accordingly.
7. The General Development Plan (GDP) designates the area as Rural. The proposed use is consistent with other uses permitted in the RLD Zone.
8. The operation will serve a demonstrated public need, providing landscaping services to clients throughout the region.
9. The application meets the Special Exception criteria outlined in County Code §18-11-132, and we believe all necessary supporting evidence has been provided.
10. The site is located outside of the critical area.
11. Landscape screening will be installed as shown on the Site Plan and will meet Class A Buffer Requirements.

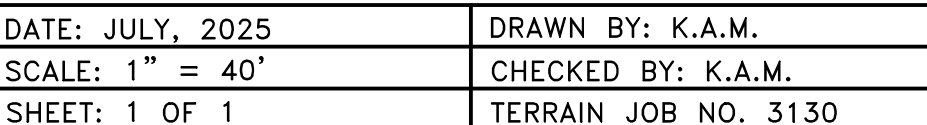
For the reasons stated above, we respectfully request approval of the Variance to Setback and Access Requirements and Special Exception for Landscaping and Tree Contracting Use for 796 Generals Highway. We believe this proposal is consistent with the intent of the County Code, meets all required findings, and represents a responsible and low-impact use of the property.

Should you require additional information or clarification, please do not hesitate to contact our office at (410) 266-1160 or via email at kelly@terrainmd.com

Sincerely,

A handwritten signature in black ink that reads "Kelly McCormick". The script is cursive and fluid, with the first name "Kelly" and last name "McCormick" clearly legible.

Kelly McCormick, P.E.



ESDV SUMMARY
TARGET ESDV = 4,442 CF
PROVIDED ESDV = 5,425 CF
PROVIDED STORAGE = 6,809 CF

RCN COMPUTATIONS					
Outlet Description	CN	tc	Q	Q	Q
EX. PO1.1	59	0.566	2-Year	10-Year	1-Year
Storm Analysis:					
Frequency (yr)	1	2	10		
24-hr Rainfall, P (inches)	2.7	3.3	5.2		
EXISTING DRAINAGE PO1.1					
Drainage Area (DA) =		3.04 acres			
Volume Provided (V)stored =		6,800 cf			
Gastored=		$\frac{\text{Volume (cf)} \times 12 \text{ in/ft}}{\text{DA(in)}^2 \times 43560 \text{ ft}^2}$			
$Q_{DA, 2\text{-yr}}$		0.692 inches		(from TR-20)	
$Q_{DA, 10\text{-yr}}$		1.860 inches		(from TR-20)	
$Q_{DA, 1\text{-yr}}$		$Q_{DA, 2\text{-yr}} \times 1.0_{\text{aged}}$			
$Q_{DA, 10\text{-hr}}$		$Q_{DA, 10\text{-yr}} \times 1.0_{\text{aged}}$			
REDUCED CN (CN*) COMPUTATIONS					
$\text{CN}_{2\text{-yr}}^*$		200			
		$\left(\frac{1}{(2 + 2Q_{DA, 2\text{-yr}} + Z) \cdot (5Q_{DA, 2\text{-yr}} + 4Q_{DA, 2\text{-yr}})^{10}} \right)$			
$\text{CN}_{10\text{-yr}}^*$		200			
		$\left(\frac{1}{(2 + 2Q_{DA, 10\text{-yr}} + Z) \cdot (5Q_{DA, 10\text{-yr}} + 4Q_{DA, 10\text{-yr}})^{10}} \right)$			
$Q_{2\text{-yr}}$		0.275 inches			
$Q_{2\text{-hr}}$		0.275 inches			
$Q_{1\text{-hr}}$		1.21 inches			
$Q_{10\text{-hr}}$		1.21 inches			



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0067-P)

DATE OF MEETING: 07/22/2025

P&Z STAFF: Donnie D. Desirae W.

APPLICANT/REPRESENTATIVE: Terrain Inc. EMAIL: terrain@comcast.net

SITE LOCATION: 796 Generals Highway, Millersville LOT SIZE: 5.36 Acres ZONING: RLD

CA DESIGNATION: NA BMA: NA or BUFFER: NA APPLICATION TYPE: Special Exception & Variance

The subject property was the subject of previous zoning cases related to a landscaping and tree contracting use. Under cases 2022-0135-S and 2022-0136-V, the AHO denied a SE and Variances for the use. The use was approved by the Board of Appeals under cases BA 52-22S and BA 53-22V. The applicant then applied for a time extension to extend the approval by the Board of Appeals under case 2025-0019-V, but was denied by the AHO. The applicant now wishes to apply for a special exception and variance for a landscaping and tree contractor use in the RLD District as their previous approval has expired and no time extension was granted.

The applicant does not mention the need for any variances and argues that they meet each of the specific special exception requirements. This Office does not agree. The site is accessed by a 50' wide private right of way and does not have access directly from a collector or higher classification road. Therefore a variance will be required for condition #2. There is an existing pole barn (labeled to remain) shown on the site plan that is within the 50 foot setback, therefore a variance will be required for condition #3. These variances were required for the previous application and the proposed site plan shows conditions that were present on the previous proposal.

COMMENTS

The **Long Range Planning Section** commented that the proposal is generally consistent with Plan2040 and is consistent with the 2022 Water and Sewer Master Plan. The full comments are attached.

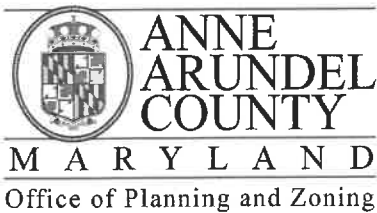
Zoning Administration Section: The applicant must apply for the required variances to be heard with the special exception. The site plan must show the dimension to the property line of the pole building to remain so that the variance distance can be calculated. The applicants are advised that the previous support for the proposal in 2022 does not guarantee OPZ support for any new application.

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

*** A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence. A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.



Jenny B. Dempsey
Planning and Zoning Officer

MEMORANDUM

TO: Zoning Division

FROM: Desirae Williams, Long Range Planner

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: July 15, 2025

Name of Project: 796 Generals Hwy
Case#: 2025-0067-P
Location: 796 Generals Hwy, Millersville
Tax Map 30, Parcel 175
Region Planning Area: Region 6
Community: Millersville

Summary:

The applicant is requesting special exception approval to allow for the operation of a Landscaping and Tree Contracting business on the subject property.

The approximately 5.36 acre site is located within the Rural and Agricultural Development Policy Area. The site is in the Rural Planned Land Use category. Surrounding properties are in the Rural and Commercial Planned Land Use categories. Zoning for the site is RLD (Residential Low Density). Surrounding properties are also zoned RLD. The site is not within the Priority Funding Area or Green Infrastructure Network.

Findings:

Compliance with Plans:

General Development Plan: Plan2040 does not have recommendations that are specific to this site, and the proposal is generally consistent with the goals, policies, and strategies of Plan2040, including:

- Policy BE3.2: Ensure infill development and redevelopment in existing residential neighborhoods are compatible in scale, use, form and intensity with the surrounding neighborhood character.

Region 6 Plan: This proposal is within Region Planning Area 6. The Region 6 Plan and Comprehensive Zoning Map are expected to be adopted by the County Council in spring 2026.

2022 Water and Sewer Master Plan: The site is in the No Public Sewer Service category and the No Public Water Service category. The proposal is consistent with the 2022 Water and Sewer Master Plan.